

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LORI GARDNER-ALFRED and JEANETTE DIAZ, :
Plaintiff, :
-v- :
FEDERAL RESERVE BANK OF NEW YORK, :
Defendant. :
-----X

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 6/16/2023
DATE FILED: 6/16/2023

LEWIS J. LIMAN, United States District Judge:

The Court received the attached correspondence from Mr. Duane Berry. The Court shall disregard it as per the parties' letter from June 13, 2023. Dkt. No. 156.

SO ORDERED.

Dated: June 16, 2023
New York, New York



LEWIS J. LIMAN
United States District Judge

UNITED STATES DISTRICT COURT

**GARDNER-ALFRED et al,
Plaintiffs,**

v.

Case#1:2022cv01585

**FEDERAL RESERVE BANK OF NEW YORK,
Defendant**

NOTICE OF REQUIRED JOINDER

Per automatic substitution of Defendant Federal Reserve Bank of New York (SEIZED FEDERAL SECURITIES) see attached Dkt#136, The Department of Justice Commercial Litigation Branch is now the attorney required on behalf of the U.S. Department of the Treasury and make service on (SEIZED FEDERAL SECURITIES). See attached.

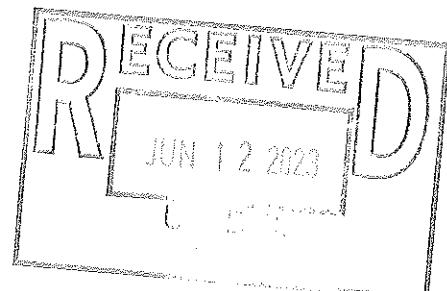
Please update the court's record per attached entry of appearance contact information.

CERITIFICATE OF SERVICE

I declare under penalty of perjury that this notice has been served by U.S. Certified Mail on all parties.

Dated: 06-06-2023

/s/ DUANE LETROY BERRY (FEDERAL TRUSTEE)
U.S. Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, D.C. 20220



		by Federal Reserve Bank of New York. (Attachments: # <u>1</u> Exhibit 1 (Plaintiffs' production cover letter dated February 10, 2023), # <u>2</u> Exhibit 2 (Plaintiffs' production cover letter dated February 23, 2023)).(Leonard, Alex) (Entered: 04/28/2023)
05/01/2023	<u>131</u>	SCEDULING ORDER: Oral Argument set for 5/9/2023 at 02:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Lewis J. Liman, regarding Defendant's motion for sanctions. Plaintiffs are directed to provide to the Court at the hearing all of the documents withheld from production on the basis that it is spam and all other documents regarding contact with the ministry or payment to the ministry. The Plaintiffs are directed to attend and to be prepared to testify at the request of either counsel for Plaintiff or counsel for Defendants. (HEREBY ORDERED by Judge Lewis J. Liman) (Text Only Order) (mcf) (Entered: 05/01/2023)
05/01/2023	<u>132</u>	ORDER: The Clerk's Office received the attached document. The Court does not believe that any action needs to be taken in response to this "notice." Any party who believes that the document requires action by the Court shall file a letter on ECF by the end of this week. SO ORDERED. (Signed by Judge Lewis J. Liman on 5/01/2023) (ama) (Entered: 05/01/2023)
05/02/2023	<u>133</u>	NOTICE of Hearing: Pre-Settlement Telephone Conference set for 5/10/2023 at 2:30 PM before Magistrate Judge Robert W. Lehrburger. The parties are instructed to review and adhere to Judge Lehrburger's Individual Practices and Settlement Conference Procedures. The parties shall call the teleconference line at (888)-398-2342 and enter access code: 9543348. (rsh) (Entered: 05/02/2023)
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05/03/2023	<u>135</u>	LETTER addressed to Judge Lewis J. Liman from Daphne Ha dated May 3, 2023 re: New Information Relevant to New York Fed's Motion for Discovery Sanctions (Dkt. No. 119). Document filed by Federal Reserve Bank of New York. (Attachments: # <u>1</u> Exhibit A (Plaintiff's March 20, 2023 Offer Letter)).(Ha, Daphne) (Entered: 05/03/2023)
05/03/2023	<u>136</u>	NOTICE OF SUBSTITUTION OF DEFENDANT. Document filed by Duane L. Berry(Federal Trustee), U.S.Dept. of Treasury (sc) Modified on 5/4/2023 (sc). (Entered: 05/04/2023)
05/05/2023	<u>137</u>	SCEDULING ORDER: The status conference scheduled for 5/10/2023 at 10:00am is cancelled. The Court shall instead address issues related to the status of this case at the oral argument scheduled for May 9, 2023 at 2:30pm. (HEREBY ORDERED by Judge Lewis J. Liman) (Text Only Order) (mcf) (Entered: 05/05/2023)



**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

January 24, 2023

NOTICE OF DOCKETING

Federal Circuit Docket No.: 2023-117

Federal Circuit Short Caption: In re: Seized Federal Securities

Date of Docketing: January 24, 2023

Originating Tribunal: United States District Court for the Northern District of Texas

Originating Case No.: 3:21-cv-00393-D-BT

Petitioner: Seized Federal Securities

A petition for writ of mandamus has been filed and assigned the above Federal Circuit case number. The court's official caption is included as an attachment to this notice. Unless otherwise noted in the court's rules, the assigned docket number and official caption or short caption must be included on all documents filed with this Court. It is the responsibility of all parties to review the Rules for critical due dates. The assigned deputy clerk is noted below and all case questions should be directed to the Case Management section at (202) 275-8055.

The following filings are due within 14 days of this notice:

- Entry of Appearance or Notice of Unrepresented Person. (Fed. Cir. R. 47.3.)
- Certificate of Interest. (Fed. Cir. R. 47.4; not required for unrepresented and federal government parties unless disclosing information under Fed. Cir. R. 47.4(a)(6))
- Docketing Statement. Note: The Docketing Statement is due in 30 days if the United States or its officer or agency is a party in the appeal. (Fed. Cir. R. 33.1 and the Mediation Guidelines; no docketing statement is required in cases with an unrepresented party)
- Statement Concerning Discrimination in MSPB or arbitrator cases. (Fed. Cir. R. 15(c); completed by petitioner only)
- Fee payment or appropriate fee waiver request, if the docketing fee was not prepaid (see Fee Payment below).

FORM 8A. Entry of Appearance

Form 8A (p.1)
July 2020UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUITENTRY OF APPEARANCECase Number: 2023-117Short Case Caption: In re: Seized Federal Securities

Instructions: Refer to Fed. Cir. R. 47.3 for requirements governing representation and appearance in this court. Counsel must immediately file an amended Entry of Appearance if contact information changes and update information through PACER's Manage My Account. Non-admitted government counsel should enter N/A in lieu of an admission date. Use the second page to add additional counsel.

Party Information. List all parties, intervenors, amicus curiae, or movants represented by below counsel; "et al." is not permitted.

DEPARTMENT OF JUSTICE

Principal Counsel: <u>Ioana Cristei Meyer</u>	Admission Date: <u>07/24/2018</u>
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Firm/Agency/Org.: <u>United States Department of Justice, Commercial Litigation Branch</u>
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Address:	<u>PO Box 480, Ben Franklin Station, Washington, DC 20044</u>
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Phone: <u>(202) 305-0001</u>	Email: <u>Ioana.Cristei@usdoj.gov</u>
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Other Counsel:	Admission Date:
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Firm/Agency/Org.:

Address:

Phone:	Email:
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I certify under penalty of perjury that (1) the submitted information is true and accurate and (2) I am authorized to enter an appearance by all other listed counsel.

Date: 2/14/23Signature: /s/ Ioana Cristei MeyerName: Ioana Cristei Meyer

FORM 30. Certificate of Service

Form 30
July 2020UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUITCERTIFICATE OF SERVICECase Number 2023-117Short Case Caption In re: Seized Federal Securities

NOTE: Proof of service is only required when the rules specify that service must be accomplished outside the court's electronic filing system. See Fed. R. App. P. 25(d); Fed. Cir. R. 25(e). Attach additional pages as needed.

I certify that I served a copy of the foregoing filing on 02/14/2023

by U.S. Mail Hand Delivery Email Facsimile
 Other: _____

on the below individuals at the following locations.

Person Served	Service Location (Address, Facsimile, Email)
Seized Federal Securities	PO Box 381292 Clinton Township, MI 48038

 Additional pages attached.Date: 02/14/2023Signature: /s/ Ioana Cristei MeyerName: Ioana Cristei Meyer

UNITED STATES SUPREME COURT

IN RE: UNITED STATES DEPARTMENT OF THE TREASURY

Case#
USCA#2023-00117

RULE 22 APPLICATION FOR COURT TO ENFORCE ITS U.S. MARSHALS
TO: Chief Justice John G. Roberts

On 7/8/21 and 7/23/21 under the direct ORDER of the United States Department of the Treasury, the undersigned Applicant and also the Respondent in the lower court, the U.S. Marshals Service arrested CLASSIFIED SEIZED FEDERAL SECURITIES per. I.R.S. taxpayer account #56-0906609 BANK OF AMERICA and #14-202658 BCT and a portion is now held in this Court's U.S. Marshals custody. See attached U.S.M.-285.

Please direct the Court to ORDER its U.S. Marshals to return the property per. newly submitted U.S.M.-285 forms instruction.

"Since in statutory scheme, office of Marshal exists as arm of office of Attorney General, commitment to Marshal can only be construed as commitment to Attorney General." (See United States V. Howard, 545 F.2d 1044, 6th Cir. 1976)

Dated: 3-03-2023

/s/ Duane L Berry
United States Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, DC 20220
(Applicant)

/s/ Ioana Cristei Meyer
United States Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
(Counsel)

/s/ Elizabeth Prelogar
Solicitor General
United States Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530
(Counsel)

RECEIVED

MAR 13 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See instructions on reverse side of U.S. Marshals Service Form USM 285

PLAINTIFF

U. S. DEPARTMENT OF THE TREASURY

DEFENDANT

SEIZED FEDERAL SECURITIES

COURT CASE NUMBER

1:21-cv-00717.CAP

TYPE OF PROCESS

STU-POENA/WARRANT

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONFISCATE

SERVICE *U.S. DEPARTMENT OF THE TREASURY*
AT *U.S. DEPARTMENT OF THE TREASURY*

RECIPIENT OF SERVICE (PRINTED OR REGISTERED AT NAME AND ADDRESS BELOW)

U. S. DEPARTMENT OF THE TREASURY
Attn: Mr. Brent J. McIntosh
(General Counsel)
1500 Pennsylvania Ave., NW
Washington, DC 20220

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EFFECTING SERVICE (Include Birthdays and Aliases/Address, All Telephone Numbers, and Estimated Times Available for Service).

100

(SEE ATTACHED WARRANT)

Signature of Attorney or other attorney requiring service on behalf of:

PLAINTIFF

DEFENDANT

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JUL 29 2021

KEVIN P. WEIMER, Clerk
Deputy Clerk

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY- DO NOT WRITE BELOW THIS LINE

1. Acknowledge receipt for the total number of process indicated. (Signature for USM 285 if more than one USM 285 is submitted)	2. Total Process	3. District of Origin	4. Plaintiff or Defendant	5. Signature of Authorized U.S.M. Deputy or Clerk	6. Date
		No. 31	No. 111	<i>Edith Peter Langford</i>	7/23/21

I hereby certify and return that I have personally served, have legal evidence of service, have executed or drawn in "Return" to the person described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address indicated below. I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks 1 & 2.)

Name and title of individual served (if not shown above)

Ashley Pease (Office Manager)

Name of recipient (if different than the name above)

Same as above A person of suitable age and discretion then residing in the last usual place of abode.Date: *7/23/2021* Time: *9:43* AMSignature of U.S. Marshal or Deputy: *Edith Peter Langford # 31061*

Service Fee	Total Miles Charged	Forwarding fee	Postage	Administrative	Deposits
	including envelope				

\$0.00

REMARKS

Served without incident to Ashley Pease, Office Manager
of Martin's Towing Inc. on 7/23/2021 at 0943 hrs.

PRINTED ON: 1. CLERK OF THE COURT ** 1 Endeavor* 7/24/2021
2. DMIS RECORD
3. NOTICE OF SERVICE ** 14 Miles*
4. BILLING STATEMENT: To be returned to the U.S. Marshal with payment
5. ANY document is valid. Please print clearly payable to U.S. Mail
6. U.S. MAIL DEPARTMENT OF THE U.S. MAIL ** 1 hour*

PREVIOUS EDITIONS MAY BE DISCONTINUED

Form USM 285
Rev 12/15/94
Not to be used after

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See "Instructions for Service of Process by U.S. Marshal"

PLAINTIFF	U. S. DEPARTMENT OF THE TREASURY	COURT CASE NUMBER 1:21-cv-00717-CAP
DEFENDANT	SEIZED FEDERAL SECURITIES	TYPE OF PROCESS WARRANT

SERVE	NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN	
	CNN	ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code) 1 CNN Center, Atlanta, GA 30303

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	1
U.S. DEPARTMENT OF THE TREASURY Attn: Mr. Brent J. McIntosh (General Counsel) 1500 Pennsylvania Ave., NW Washington, DC 20220	Number of parties to be served in this case	1
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service):

PLEASE MAINTAIN LEAKED TAX RECORDS, SEIZED FEDERAL SECURITIES!
(Defendant) in your custody until further notice

Fold

Signature of Attorney other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
	<input type="checkbox"/> DEFENDANT	-----	6/16/21

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. (Sign only for USM 285 if more than one USM 285 is submitted)	Total Process 1	District of Origin No. A19	District to Serve No. A19	Signature of Authorized USMS Deputy or Clerk Linda Banks	Date 7/8/21
---	--------------------	-------------------------------	------------------------------	---	----------------

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below.

I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above) Linda Banks	FILED IN CLERK'S OFFICE U.S.D.C. - Atlanta	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode			
Address (complete only different than shown above) 289 Culver Street Lawrenceville, GA 30046	AUG 16 2021	Date 13 Aug 21 Time 11:40 Signature of U.S. Marshal or Deputy			
<input checked="" type="checkbox"/> Service Fee	Total Mileage Charges including endeavors	Forwarding Fee	Total Charges \$492.24	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*) \$0.00

REMARKS:
① 404-827-1500 ② legal dept 4-827-4987
General Kelly ③ CT Corp 289 Culver St. S
Lawrenceville

PRIOR EDITIONS MAY BE USED

PRIVACY ACT STATEMENT

1. CLERK OF THE COURT
2. USMS RECORD
3. NOTICE OF SERVICE
4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal.
5. ACKNOWLEDGMENT OF RECEIPT

*See capture report for list of charges.

UNITED STATES DISTRICT COURT

GARDNER-ALFRED et al,
Plaintiffs,

v.

Case#1:2022cv01585

FEDERAL RESERVE BANK OF NEW YORK,
Defendant

NOTICE OF APPEARANCE

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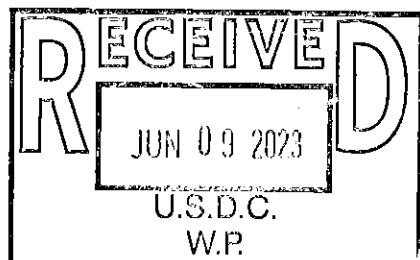
Please update the court's record per Attached entry of appearance contact information.

CERTIFICATE OF SERVICE

I declare under penalty of perjury that this notice has been served by U.S. Certified Mail on all parities.

Dated: 06-06-2023

/s/ DUANE LETROY BERRY (FEDERAL TRUSTEE)
U.S. Department of the Treasury
1500 Pennsylvania Ave. NW
Washington, D.C. 20220



		by Federal Reserve Bank of New York. (Attachments: # <u>1</u> Exhibit 1 (Plaintiffs' production cover letter dated February 10, 2023), # <u>2</u> Exhibit 2 (Plaintiffs' production cover letter dated February 23, 2023)).(Leonard, Alex) (Entered: 04/28/2023)
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**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**
717 MADISON PLACE, N.W.
WASHINGTON, D.C. 20439

PETER R. MARKSTEINER
CLERK OF COURT

CLERK'S OFFICE
202-275-8000

January 24, 2023

NOTICE OF DOCKETING

Federal Circuit Docket No.: 2023-117

Federal Circuit Short Caption: In re: Seized Federal Securities

Date of Docketing: January 24, 2023

Originating Tribunal: United States District Court for the Northern District of Texas

Originating Case No.: 3:21-cv-00393-D-BT

Petitioner: Seized Federal Securities

A petition for writ of mandamus has been filed and assigned the above Federal Circuit case number. The court's official caption is included as an attachment to this notice. Unless otherwise noted in the court's rules, the assigned docket number and official caption or short caption must be included on all documents filed with this Court. It is the responsibility of all parties to review the Rules for critical due dates. The assigned deputy clerk is noted below and all case questions should be directed to the Case Management section at (202) 275-8055.

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FORM 8A. Entry of Appearance

Form 8A (p.1)
July 2020UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUITENTRY OF APPEARANCECase Number: 2023-117Short Case Caption: In re: Seized Federal Securities

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Party Information. List all parties, intervenors, amicus curiae, or movants represented by below counsel; "et al." is not permitted.

DEPARTMENT OF JUSTICE

Principal Counsel: <u>Ioana Cristei Meyer</u>	Admission Date: <u>07/24/2018</u>
Firm/Agency/Org.: <u>United States Department of Justice, Commercial Litigation Branch</u>	
Address: <u>PO Box 480, Ben Franklin Station, Washington, DC 20044</u>	
Phone: <u>(202) 305-0001</u>	Email: <u>Ioana.Cristei@usdoj.gov</u>
Other Counsel:	Admission Date:
Firm/Agency/Org.:	
Address:	
Phone:	Email:

I certify under penalty of perjury that (1) the submitted information is true and accurate and (2) I am authorized to enter an appearance by all other listed counsel.

Date: 2/14/23Signature: /s/ Ioana Cristei MeyerName: Ioana Cristei Meyer

FORM 30. Certificate of Service

Form 30
July 2020UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUITCERTIFICATE OF SERVICECase Number 2023-117Short Case Caption In re: Seized Federal Securities

NOTE: Proof of service is only required when the rules specify that service must be accomplished outside the court's electronic filing system. See Fed. R. App. P. 25(d); Fed. Cir. R. 25(e). Attach additional pages as needed.

I certify that I served a copy of the foregoing filing on 02/14/2023by U.S. Mail Hand Delivery Email Facsimile
 Other: _____

on the below individuals at the following locations.

Person Served	Service Location (Address, Facsimile, Email)
Seized Federal Securities	PO Box 381292 Clinton Township, MI 48038

 Additional pages attached.Date: 02/14/2023Signature: /s/ Ioana Cristei MeyerName: Ioana Cristei Meyer

